

CITY OF MIAMI BEACH
Office of the City Manager
Letter to Commission No. 204-2004



To: Mayor David Dermer and
Members of the City Commission

Date: August 4, 2004

From: Jorge M. Gonzalez
City Manager

A handwritten signature in black ink, appearing to read "Jorge".

Subject: REGIONAL LIBRARY STATUS REPORT

RECEIVED
04 AUG - 5 AM 10:41
CITY CLERK'S OFFICE

On September 23, 1998, the Mayor and City Commission adopted Resolution No. 98-2904, authorizing the Mayor and City Clerk to execute an Agreement with the firm of Robert A. M. Stern Architects (Stern) for the architectural and engineering design of a Regional Library, a 400-space Parking Garage and Park and Streetscape Improvements in the area surrounding Collins Park.

On January 6, 1999, the Mayor and City Commission authorized appropriation of the funding necessary to implement the Agreement with Stern and authorized an amendment, which reflected a change in scope, deleting the Parking Garage and adding the surface lots. This Agreement included in the Master Plan the demolition of the existing library at the completion of the new building.

On November 2, 2001, the Regional Library documents were advertised for bid. Six bids were received on December 19, 2001. On April 10, 2002, The Mayor and City Commission accepted a recommendation from the Administration and adopted Resolution No. 2002-24828 awarding the construction contract for the Project to The Tower Group.

On May 13, 2002, The Tower Group was given Notice to Proceed and Construction began on the new library. At this time the new library is expected to obtain Final Certificate of Occupancy and Substantial Completion at the end of August 2004. There have been delays in the completion of the construction of the Project due to several factors. Some delays have been due to Owner's requests such as the inclusion of the Streetscape construction around the new library building which was initially envisioned as a stand alone project but was later deemed to be more efficient to add to the Tower Agreement. Others have been caused by unforeseen conditions such as the discovery of abandoned underground tanks at the former Fruit Stand site.

Other delays have been caused by the less than stellar performance of both the contractor and the major sub-consultant of the Stern team late in the process of construction. The City has diligently worked with both entities to try to achieve completion of the Project and to encourage them both to work in a more effective and productive manner. For various reasons, both parties have been slow to respond, and therefore the project has experienced periods of very slow construction and periods where the consultant has not effectively dealt with the issues and problems that normally arise in a construction project.

Nevertheless a Temporary Certificate of Occupancy (TCO) was obtained on June 8, 2004 and both the contractor and the consultant have been working towards obtaining a Substantial Completion Certificate (TCO allows building occupancy and is a prerequisite for Substantial Completion). Due to several incomplete installations, deficiencies identified in the contractor's work, and slow responses from the consultant in some instances, the completion of a Final Punch list that would allow the issuance of the Substantial Completion Certificate has been delayed.

The City has maintained close contact with the consultant and contractor through out the process and has recently made some progress in making them perform more productively. Currently, several construction deficiencies have been identified and the punch list effort has been initiated. The major items of deficiency in construction, which are needed both for Substantial Completion and for the Final Certificate of Occupancy (CO) are as follows:

- Correction of American with Disability Act (ADA) deficiencies in the vestibules leading to the Multi-Purpose Room
- Corrections to ADA ramps on two sides of the building
- Completion of electrical installations in the Streetscape portion of the Project
- Replacement of two cabinets with sinks which were installed not in compliance with ADA
- Installation of the building main sign at roof
- Corrections to decorative fountain in Courtyard
- Completion of the corrections identified in the punch list when issued

The major items pending from the consultant are as follows:

- Completion of the punch list
- Completion of review of the closeout documents as required by the Agreement with the contractor.
 - Record Drawings
 - Maintenance and Operations Manuals
 - Warranty information
- Review of Pending Change proposals
- Response to pending information necessary for the contractor to complete their work

In addition, both the consultant and the contractor must work together to obtain the final approvals from the Building Official and other regulatory agencies necessary to obtain the CO as well as to complete the closeout process so that the Final Certificate of Completion (FCC) can be issued. In recent conversations with CIP staff, Tower Group representatives and the Stern partner in charge have committed to the completion of the Project and have agreed to expedite those processes, installations and reviews necessary for the CO and the FCC. They have also committed to work together for this purpose.

Based on the recent discussions, there is an expectation by all parties that Substantial Completion may be obtained by the end of August 2004 and that Final Completion can be obtained shortly thereafter. Both the contractor and the consultant have met with CIP staff and have developed lists of items that require prompt attention and further conversations, meetings and site visits are planned in order to achieve what is desired by all. CIP staff will continue to monitor progress on these matters and will continue to maintain active dialogue with both parties in order to reach the established goals.

Tower has presented a claim for delays to the City which is currently being evaluated and has been discussed with their representatives. CIP staff has informed Tower that their claim will not be addressed fully until progress on the completion of the Project is seen and the different important milestones are met. Similarly, Stern has requested additional services for Construction Administration due to the delays in the completion of the project. CIP has also informed Stern that their request will not be evaluated until they more actively perform the services necessary to obtain closeout and to assist Tower in obtaining the Final CO. Both Tower and Stern have agreed to continue performing their services on the Project with the understanding that the City will finalize negotiations on their respective requests once the project has been completed.

The schedule for the demolition of the existing library building will be determined by the achievement of Final CO and Final Completion on the new building. At the City Commission meeting of July 28, 2004, the Mayor and City Commission granted the Certificate of Appropriateness for Demolition. The City is preparing to be in position to schedule the process of demolition sometime in late October once the Library System completes their move from the existing building to the new facility.

The Library System has also expressed a concern about moving into the new facility until the Final CO is achieved. Based on this position, the new Project must be completed prior to the Library System initiating their move. Because concerns have also been raised regarding the area being in construction during the Art Basel event in early December, the City is considering delaying the demolition of the existing building and the conservation of the Rotunda portion until after early January 2005. This decision will be made when all information regarding schedules is finalized and the completion of the new Project is achieved.


JMG/TH/JECh

C: Robert C. Middaugh, Assistant City Manager
Christina Cuervo, Assistant City Manager
Tim Hemstreet, CIP Director

F:\CAPI\Sall\chartrand\Library\Regional Library LTC.doc